

REMARKS

Reconsideration and allowance are respectfully requested. To remove the finality of the last Office Action and to enter this Amendment, this Amendment accompanies a Request for Continued Examination. Claims 1, 12, 20, 28, 31, and 39 have been amended. Claims 1, 3-20, 22-28, 30-39 and 41 are pending.

Claims 1, 3, 5-7, 9, 20, 22-24, 28, 30, 32-34, 36, 39, and 41 stand rejected under 35 U.S.C. 102(e) as being anticipated by Maurille. The independent claims have been amended to define the invention more clearly and thus, obviate the rejection. In particular, claims 1 and 28 as amended recite the step of inserting a uniform resource locator (URL) within the HTML page causing the browser that is in use by the second party to request interruption of a present application session of the second party, established by another application instance distinct from the first application instance, to create the new application session for the second party. Claims 20 and 39 as amended recite that the HTML document has instructions to interrupt a present application session of the second party, established by another application instance distinct from the first application instance, to create the new application session for the second party.

Thus, the independent claims now clearly define distinct application instances. In Maurille, a single instance 114 controls all messaging sessions for all users via a database 108.

Hence, the rejection of the independent claims 1, 20, 28, and 39, and the claims that depend there-from should be withdrawn because it fails to demonstrate that the applied reference discloses each and every element of the claim. See MPEP 2131. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "Anticipation cannot be predicated on teachings in the reference which are vague or based on conjecture." *Studiengesellschaft Kohle mbH v. Dart Industries, Inc.*, 549 F. Supp. 716, 216 USPQ 381 (D. Del. 1982), *aff'd.*, 726 F.2d 724, 220 USPQ 841 (Fed. Cir. 1984).

Claims 12-14 and 17-19 stand rejected under 35 U.S.C. 102(e) as being anticipated by Phaal.

Claim 12 as amended recites generating an HTML page, originating in the first application instance, having instructions for a persistent browser instance in use by the second party, having received the HTML page, to interrupt a present application session having been generated by a second application instance on behalf of the second party and initiate a new application session for the second party.

Phaal does not teach or suggest the distinct first and second application instances as now claimed. Thus, Phaal fails to teach each feature of claim 12. Therefore, the rejection should be withdrawn.

Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Phaal in view of Vaid. Claim 15 depends from claim 12 and is considered to be allowable for the reasons advanced above with regard to claim 12 and, for the additional reason, that the added subject matter thereof is not taught or suggested by the prior art of record.

Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Phaal in view of Alles et al. Claim 16 depends from claim 12 and is considered to be allowable for the reasons advanced above with regard to claim 12 and, for the additional reason, that the added subject matter thereof is not taught or suggested by the prior art of record.

Claims 8, 10, 25, 26, 35 and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Maurille in view of Official Notice. These claims depend from independent claims 1, 20, and 28 and are considered to be allowable for the reasons advanced above with regard to Maurille and, for the additional reason that the added subject matter thereof is not taught or suggested by the prior art of record.

Claims 11 and 38 stand rejected under 35 U.S. C. 103(a) as being unpatentable over Maurille in view of Cave. These claims depend from independent claims 1 and 28 and are considered to be allowable for the reasons advanced above with regard to Maurille and, for the additional reason that the added subject matter thereof is not taught or suggested by the prior art of record.

The indication that claims 4 and 31 contain allowable subject matter is noted with thanks. However, Applicants see no need in placing these claims in independent format at this time, since independent claims 1 and 28 are considered to be allowable over the prior art of record.

All rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Stemberger', with a stylized, flowing script.

Edward J. Stemberger
Registration No. 36,017
Phone: 202.261.1014
Fax: 202.887.0336

Customer No. 23164